

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Jemal's Wonder, LLC
641 S Street, N.W.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

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I. Background

Jemal's Wonder, LLC ("Applicant"), an affiliate of the Douglas Development Corporation, proposes to redevelop and expand the former White Cross Bakery (also known as the Wonder Bread Factory) at 641 Street, N.W., (Square 441, Lot 848), for use as commercial office space, with retail uses on the ground floor and lower level. Lot 848 contains 23,381 square feet of land and is located in the Arts/C-2-B District. The property was designated an individual historic landmark on November 17, 2011, and is subject to the provisions of the D.C. Historic Landmark and Historic District Protection Act. The proposed alterations and additions to the landmark were reviewed by the Historic Preservation Review Board ("HPRB") on January 26, 2012, and deemed compatible with the industrial character of the building. The proposed additions to the building will increase the gross floor area of the building by approximately 56 percent, from 50,014 square feet of gross floor area to 78,347 square feet of gross floor area. The building will have density of approximately 3.27 FAR devoted to commercial uses. The Applicant will be entering into a Combined Lot Development covenant, pursuant to section 1905, to allow the increase in commercial FAR.

II. Variance Relief Requested

A. Nature of Relief

1. **Rear Yard (§ 774.1)** -- Presently, the building occupies 100 percent of the lot and does not provide any rear yard. The C-2-B District requires a rear yard with a minimum depth of 15 feet. The Applicant proposes to demolish the non-contributing rear portion of the building and replace it with new construction, thus continuing the rear yard nonconformity.

2. **Parking (§ 2101.1)** -- Pursuant to section 2101.1, commercial office space in the C-2-B District generates a requirement for one parking space for each 1,800 square feet of space, over an initial threshold in excess of 2,000 square feet. Based on a building with 78,347 square feet of space, the proposed project is required to provide 42 parking spaces. Instead, because of the existing historic landmark on the site and other conditions inherent in the property, the Applicant will not provide any parking spaces.

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B. Burden of Proof

The test for variance relief is three-part: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

1. *Exceptional Condition or Situation*

The property is affected by several exceptional conditions that constrain its redevelopment. First, there is an existing building on the site that occupies 100 percent of the lot; second, the property is an individual historic landmark; third, the site is relatively narrow in comparison to its depth. Together, these conditions create practical difficulties for the Applicant in complying with the parking and rear yard requirements of the zoning regulations.

2. *Resulting Practical Difficulty*

Because of the existing historic building on the site, the Applicant is unable to excavate below grade space to provide the requisite number of parking spaces. The building has structural deficiencies, which could be exacerbated through excavation and compromise the historic resource. Further, because of the narrow rights-of-way adjacent to the building, it would be difficult to accommodate a sufficient ramp and turning radius into the building. It would also require new vehicular access points through the building. Similarly, compliance with the rear yard requirements would also create practical difficulties in the successful functioning of the building and the historic layout of the landmark.

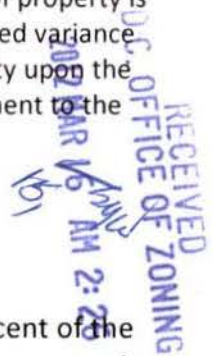
3. *No Harm to Public Good or Zone Plan*

The requested relief can be granted without harm to the public good and without threat to the integrity of the zone plan. With respect to the public good, the replacement of a vacant building with a renovated and adaptively re-used historic landmark in the U Street neighborhood will provide a significant contribution to the community.

The zone plan will not be compromised, as the proposed project will include sufficient parking and loading facilities that are adequate to serve the needs of the prospective tenants of the new building, given the site's close proximity to public transportation. The property is just one block from the Shaw-Howard Metrorail Station and well-served by several Metrobus lines.

III. Special Exception Relief: Roof Structures (§ 770.6)

Housing for mechanical equipment or a stairway or elevator penthouse on the roof of a building or structure must be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located. Additionally, the enclosing walls from the roof level must be of equal height. Here, in order to minimize the size and visibility of the roof structures, the Applicant will house the stairway enclosure and elevator penthouse. This design will also allow the Applicant to install sawtooth



monitor skylights in the roof, in keeping with the industrial character of the historic landmark. The stair and elevator penthouses will be of quality material to integrate them into the overall design of the building. Thus, the penthouse will still meet the spirit and intent of the Zoning Regulations.

IV. Conclusion

Pursuant to section 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. Through the Applicant's written statement, and through testimony and evidence presented at the public hearing, the Applicant will demonstrate how it meets its burden of proof to obtain the Board's approval of the requested relief.

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